

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	NO. CR20-222RAJ
Plaintiff,	)	
	)	
vs.	)	UNOPPOSED MOTION TO
	)	CONTINUE TRIAL AND PRETRIAL
DANIEL DELBERT DORSON,	)	MOTIONS DATES
	)	
Defendant.	)	<b>NOTED FOR: March 5, 2021</b>
_____	)	

Defendant, DANIEL DELBERT DORSON, through Mazzone Law Firm, PLLC, Peter Mazzone, pursuant to 18 U.S.C. § 3161(h)(7), respectfully requests a continuance of the trial date from the current date of March 1, 2021, to a new date of December 6, 2021, as well as a new pretrial motions deadline to October 29, 2021, and a motions in limine deadline of November 12, 2021. The United States does not oppose this motion. We are requesting this continuance for the following reasons: due to the continued courthouse closure under General Order 18-20 until March 31, 2021, the ongoing logistical and public health challenges of

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1 conducting jury trials at the current time, and the need for the defendant to have additional  
2 time to prepare for trial and the filing of pretrial motions, Mr. Dorson asks the Court to vacate  
3 the current trial date and reschedule the trial to December 6, 2021. Mr. Dorson suggests a  
4 new pre-trial motions due date of October 29, 2021, and a due date for the filing of motions in  
5 limine of November 12, 2021.  
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7 On the afternoon of March 6, 2020, Chief Judge Martinez issued General Order 01-20  
8 to address the impact regarding the spread of Coronavirus Disease 2019 (COVID-19) within  
9 the Western District of Washington. That Order states that interim guidance from the Centers  
10 for Disease Control and Prevention (CDC) and the recommendations from the Departments of  
11 Public Health for Seattle and King county all suggest that individuals at higher risk –  
12 including individuals with underlying health conditions, individuals age 60 and older, and  
13 individuals who are pregnant – avoid large groups of people. As a result, and consistent with  
14 those recommendations, that Order has directed the continuance of court proceedings,  
15 including trials, through a series of General Orders. The recent General Order 18-20 was  
16 issued on December 30, 2020, and extends the courthouse closure to March 31, 2021, along  
17 with the continuance of court proceedings, including jury trials. Each of these orders  
18 acknowledges current public health concerns and guidance from public health officials that  
19 large gatherings should be avoided to stop the spread of the disease. Although the courthouse  
20 may reopen on April 1, 2021, it is anticipated that the backlog of trials scheduled since the  
21 initial closure on March 6, 2020, will take precedence over this case.  
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1 Mr. Dorson is charged by Indictment with three counts of Hate Crime and one count  
2 of False Statement. To date, the defense has received 2300 pages of discovery on this case, as  
3 well as video recordings related to the charged hate crime offenses and audio recordings of  
4 interviews, and we expect to receive more in the future. In addition, we just recently began  
5 our defense investigation on the case and need additional time to prepare for trial. Finally, this  
6 is the first continuance sought in this case, and we believe it to be a realistic and practical one  
7 based on the amount of work that needs to be done.  
8

9 The United States has agreed to this request for continuance and resetting of the trial  
10 date and pretrial motions due dates. Government counsel has advised that they have trials  
11 scheduled nearly every week from April to July, as well as trials scheduled in August and  
12 September. Due to their heavy trial calendar, a trial in this matter set prior to September will  
13 be challenging for the parties.  
14

15 Mr. Dorson is detained at the Federal Detention Center at SeaTac. Due to the  
16 COVID-19 outbreak at FDC SeaTac in November and December 2020, and to curb further  
17 outbreaks, inmates have been limited in their ability to contact counsel by email and phone.  
18 Mr. Dorson anticipates that these limitations will continue, which will make it difficult for  
19 him to consult with regularity with counsel in reviewing discovery and preparing for trial.  
20 Mr. Dorson is prepared to file a speedy trial waiver as soon as he completes his quarantine at  
21 the Federal Detention Center should the court grant this motion.  
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23 For these reasons we are asking the Court to find that:  
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1 (a) taking into account the exercise of due diligence, a failure to grant a continuance  
2 would deny counsel for the defendant the reasonable time necessary for effective preparation,  
3 due to counsel's need for more time to review the evidence, consider possible defenses, and  
4 gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

5 (b) a failure to grant a continuance would likely result in a miscarriage of justice, as  
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

7 (c) the additional time requested is a reasonable period of delay, as the defendant has  
8 requested more time to prepare for trial, to investigate the matter, to gather evidence material  
9 to the defense, and to consider possible defenses; and

10 (d) the ends of justice will best be served by a continuance, and the ends of justice  
11 outweigh the best interests of the public and the defendant in any speedier trial, as set forth in  
12 18 U.S.C. § 3161(h)(7)(A); and

13 (e) the additional time requested between the current trial date of March 1, 2021, and  
14 the new trial date of December 6, 2021 is necessary to provide counsel for the defendant  
15 reasonable time to prepare for trial considering counsel's schedule and all of the facts set forth  
16 above.

17 Therefore, Mr. Dorson, through counsel, respectfully requests a continuance of the  
18 trial date to December 6, 2021, a new pretrial motions deadline of October 29, 2021, and  
19 motions in limine due date of November 12, 2021. Counsel further asks the Court to exclude  
20 the time period from the date of this motion to the new trial date for purposes of computing

21 UNOPPOSED MOTION TO CONTINUE - 1  
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1 the time limitations imposed by the Speedy Trial Act. Mr. Dorson agrees with this request and  
2 will be executing a speedy trial waiver which will be filed no later than March 10, 2021.

3 Respectfully submitted this 25<sup>th</sup> day of February, 2021.  
4

5 /s/ Peter Mazzone  
6 Peter Mazzone WSBA #25262  
7 Attorney for Defendant  
8

9 CERTIFICATE OF SERVICE

10 I, Aleshia Johnson, Paralegal at Mazzone Law Firm, PLLC, hereby certify that on this \_\_\_\_  
11 day of February, 2021, I electronically filed the foregoing pleading using the CM/ECF system  
12 which provides service to all parties including the plaintiff party.

13 /s/ Aleshia Johnson

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Aleshia Johnson, Paralegal  
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